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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,662	04/14/2004	Dany Sylvain	7000-339	7528
27820 7590 02/22/2008 WITHROW & TERRANOVA, P.L.L.C. 100 REGENCY FOREST DRIVE SUITE 160 CARY, NC 27518			EXAMINER LU, ZHIYU	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 02/22/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/824,662	SYLVAIN, DANY	
	Examiner	Art Unit	
	Zhiyu Lu	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claim 4, applicants argued that Fukushima fails to teach registering with a service node because the docking station is not a service node.

However, the Examiner does not agree. In Fukushima, the service node can be interpreted as the access point station (65 of Fig. 5) that registers with the mobile terminal and associates with the first address of the mobile terminal. Alternatively, the service node can be interpreted as the docking station (services i.e. Ethernet, CD-Rom, Flash memory, extended storage HDD, Fig. 3) that registers to the mobile terminal and associates with the first address.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 19, applicant claims "establish communication sessions... over the first and second communication networks..." and "... the first indicia is a communication session identification". It is indefinite on whether there are one or more communication sessions being

established simultaneously or sequentially. And there is no support in filed specification on establishing the same communications session over two different networks at the same time.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima (US2002/0038400) in view of Katz et al. (US2006/0291455).

Regarding claim 1, Fukushima teaches a mobile terminal comprising:

- a) a first interface in the mobile terminal and adapted to facilitate communications via a wired connection to a first communication network (19 of Fig. 4);
- b) a second interface in the mobile terminal and adapted to facilitate local wireless communications via a second communication network (8 of Fig. 4); and
- c) a control system operatively associated with the first and second interfaces and adapted to:
 - select the first interface for establishing the communication sessions over the first communication network, when the wired connection via the first interface is available (Figs. 5-6, paragraph 0090).

But, Fukushima does not expressly disclose establish communication sessions associated with a first indicia over the first and second communication networks via the first and second interfaces, wherein the first indicia is a communication session identification.

Katz et al. teach establish communication sessions associated with a first indicia over the first and second communication networks via the first and second interfaces, wherein the first indicia is a communication session identification (paragraphs 0068-0070, 0354, 0358).

As a reference, Katz et al. teach switching from one network to another (i.e. 802.11b, Bluetooth, cellular, etc.) where proves that the mobile unit have at least two different interfaces. Katz et al. then teach that a communication session is identifiable where the communication session can be resumed once the mobile unit connects to the other network. It would have been obvious that either there is an indicia for identify the communication session or identification of the mobile unit (i.e. ESN or MEID) is used as an indicia to identify the communication session.

Alternatively, the mobile unit can inform the network and request resuming the interrupted communication session.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate resuming communication session with an indicia taught by Katz et al. into the mobile terminal of Fukushima, in order to provide identification to resume communication session.

Regarding claim 19, Fukushima and Katz et al. teach a method as explained in response to claim 1 above.

Regarding claims 2 and 20, Fukushima and Katz et al. teach the limitations of claims 1 and 19. Fukushima teaches the control system is further adapted to determine if the wired connection via the first interface is available (paragraph 0090).

Regarding claims 3 and 21, Fukushima and Katz et al. teach the limitations of claims 1 and 19. Fukushima teaches communications via the first interface are associated with a first address and communications via the second interface are associated with a second address (MAC addresses).

Regarding claims 4 and 22, Fukushima and Katz et al. teach the limitations of claims 3 and 21. Fukushima teaches the control system is further adapted to register with a service node in association with the first address when the wired connection via the first communication interface is available (Figs. 3 & 5, paragraph 0090).

Regarding claims 5 and 23, Fukushima and Katz et al. teach the limitations of claims 4 and 22. Fukushima teaches the control system is further adapted to register with the service node in association with the second address when the wired connection via the first interface is not available (Fig. 6, paragraph 0090).

Regarding claims 6 and 24, Fukushima and Katz et al. teach the limitations of claims 4 and 22.

Fukushima teaches the control system is further adapted to register with the service node in association with the second address prior to the wired connection via the first interface becoming unavailable (paragraph 0090).

Regarding claims 7 and 25, Fukushima and Katz et al. teach the limitations of claims 4 and 22. Fukushima teaches the control system is further adapted to register with the service node in association with the second address prior to initiating local wireless communications via the second interface (paragraph 0090).

Regarding claims 8 and 26, Fukushima and Katz et al. teach the limitations of claims 3 and 22. Fukushima teaches the control system is further adapted to obtain the first address after detecting an ability to communicate via the first communication interface, and obtain the second address after detecting an ability to communicate via the second communication interface (paragraph 0090).

Regarding claims 9 and 27, Fukushima and Katz et al. teach the limitations of claims 1 and 19. Fukushima teaches the first communication interface is a docking interface adapted to couple to a docking station, which connects to the first communication network such that the wired connection is facilitated through the docking station (paragraph 0090).

Regarding claims 10 and 28, Fukushima and Katz et al. teach the limitations of claims 9 and 27.

Fukushima teaches the first communication interface further comprises a network interface coupled to the docking interface (paragraph 0090).

Regarding claims 11 and 29, Fukushima and Katz et al. teach the limitations of claims 9 and 27.

Fukushima teaches the docking station comprises a network interface (10 of Fig. 4).

Regarding claims 12 and 30, Fukushima and Katz et al. teach the limitations of claims 1 and 19.

Fukushima and Katz et al. teach the control system is further adapted to:

a) establish a first session for a communication with an entity via the first interface, the first session identified with the first indicia associated with the communication (as explained in response to claim 1 above);

b) determine communications via the first interface will no longer be possible (S107 of Fig. 7, paragraph 0090); and

c) initiate and establish a second session for the communication with the entity via the second interface, the second session identified with the first indicia (paragraph 0090 of Fukushima, as explained in response to claim 1 above).

Regarding claims 13 and 31, Fukushima and Katz et al. teach the limitations of claims 12 and 30.

Fukushima teaches determining communications via the first interface will no longer be possible, the control system is adapted to detect being removed from a docking station, which is coupled to the first communication network (Fig. 7).

Regarding claims 14 and 32, Fukushima and Katz et al. teach the limitations of claims 12 and 30. Fukushima teaches determining communications via the first interface will no longer be possible, the control system is adapted to detect being removed from being directly coupled to the first communication network (Fig. 7).

Regarding claims 15 and 33, Fukushima and Katz et al. teach the limitations of claims 12 and 30. Fukushima teaches determining communications via the first interface will no longer be possible, the control system is adapted to detect a signal sent from a docking station, which is coupled to the first communication network and coupled to the mobile terminal (Fig. 7).

Regarding claims 16 and 34, Fukushima and Katz et al. teach the limitations of claims 12 and 30. Fukushima and Katz et al. teach the control system is further adapted to:

a) determine communications via the first interface are available (Fig. 8 of Fukushima);
and

b) initiate and establish a third session for the communication with the entity via the first interface, the third session for the communication identified with the first indicia (S210-S211 of Fig. 8 of Fukushima; as explained in response to claim 1 above).

Regarding claims 17 and 35, Fukushima and Katz et al. teach the limitations of claims 12 and 30. Fukushima teaches the first session is associated with a first address for the mobile terminal and the second session is associated with a second address for the mobile terminal (Figs 7-8, paragraph 0090).

Regarding claims 18 and 36, Fukushima and Katz et al. teach the limitations of claims 1 and 19. Katz et al. teach comprising providing a cellular interface operatively associated with the control system to facilitate cellular communications (paragraph 0358, i.e. GPRS, CDMA2000).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhiyu Lu whose telephone number is (571) 272-2837. The examiner can normally be reached on Weekdays: 9AM-5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zhiyu Lu
February 6, 2008



NAY MAUNG
SUPERVISORY PATENT EXAMINER